

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARKUS IRVING,

Plaintiffs,

v.

ANTHONY PALMER,

Defendant.

Case No. 2:18-cv-11617

District Judge Gershwin A. Drain

Magistrate Judge Anthony P. Patti

**ORDER GRANTING AS UNOPPOSED DEFENDANT'S MOTION TO
COMPEL DISCOVERY AGAINST PLAINTIFF (DE 27)**

Plaintiff filed this lawsuit, via counsel, on May 22, 2018. Jurisdiction is based on the amount in controversy and the diversity of citizenship between the parties. (DE 1 ¶ 9, 28 U.S.C. § 1332.) Plaintiff's causes of action include: (1) defamation; (2) business defamation; (3) business defamation per se (libel); (4) tortious interference with business relations/prospective economic advantage; (5) false light; and, (6) infliction of emotional distress. (DE 1 ¶¶ 49-98.)

Currently before the Court is Defendant's January 29, 2019 motion to compel discovery against Plaintiff, in which Defendant specifically argues:

This Court Should Enter a Discovery Order Requiring Plaintiff to Serve Full and Complete Answers – Not Objections – to Plaintiff's First Request for Production of Documents, Together With All Requested Documents, Under Fed.R.Civ.P. 37(a)(3)(B)(iv) and Providing Defendant With His Reasonable Expenses Incurred in

Proceedings Associated With This Motion, Including Attorney Fees,
as Required by Fed.R.Civ.P. 37(a)(5).

(DE 27 at 5.)

Judge Drain has referred this motion to me for hearing and determination.
(DE 32.) However, having reviewed the procedural history, I conclude that a
hearing on this motion is not necessary. “A respondent opposing a motion must
file a response, including a brief and supporting documents then available.” E.D.
Mich. LR 7.1(c)(1) (emphasis added). In addition, “[a] response to a
nondispositive motion must be filed within 14 days after service of the motion.”
E.D. Mich. LR 7.1(e)(2)(B). Therefore, any response by Plaintiff to Defendant’s
January 29, 2019 motion was due on or about February 12, 2019.

To date, Plaintiff has not filed a response. Upon consideration, Defendant’s
motion to compel (DE 27) is **GRANTED AS UNOPPOSED**. All objections are
waived. No later than **Monday, March 11, 2019**, Plaintiff shall serve defense
counsel with full and complete answers to Defendant’s First Request for
Production of Documents to Plaintiff, together with all requested documents. (*See*
DE 27 at 9-27). In addition, Plaintiff shall provide Defendant with his reasonable
expenses incurred in proceedings associated with this motion, including attorney
fees. No later than **Monday, March 4, 2019**, the parties shall confer and advise
the Court as to whether they can agree upon the amount. If the parties cannot

agree on the amount, then, no later than **Wednesday, March 6, 2019**, Defendant shall file an affidavit and documentation in support of his request for costs and expenses, and, no later than **Wednesday, March 13, 2019**, Plaintiff may file any objection thereto.

IT IS SO ORDERED.

Dated: February 28, 2019

s/*Anthony P. Patti*

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on February 28, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti